



Chambers of  
Elizabeth A. Wolford  
District Judge

United States District Court  
Western District of New York  
100 State Street  
Rochester, New York 14614

Tel 585-613-4320  
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August 29, 2019

T. Scarantino, Complex Warden  
U.S. Department of Justice  
Federal Bureau of Prisons  
Federal Medical Center  
P.O. Box 1600  
Butner, North Carolina 27509-1600

Re: Donald Brennan, Register Number 28110-055

Dear Warden Scarantino:

I am writing in response to your letter dated August 19, 2019, regarding Donald Brennan, whom the Court has ordered be evaluated pursuant to the provisions of 18 U.S.C. §§ 4246 and 4248. You have requested that the Court authorize commitment of Mr. Brennan for "the full study period [of 45 days] plus an additional 30 days," so that your staff can "provide the Court with a comprehensive evaluation." The Court is in receipt of a letter dated August 22, 2019, from counsel for Mr. Brennan, objecting to your request. A copy of this letter is enclosed.

With respect to your request that the Court authorize "the full study period" of 45 days, the Court's Decision and Order dated August 8, 2018, in which it ordered that Mr. Brennan be evaluated pursuant to §§ 4246 and 4248, expressly found that "a 45-day [evaluation] period is reasonable[.]" (*United States v. Brennan*, 19-mr-2, Dkt. 37 at 8). In other words, the Court has already authorized a full 45-day initial period for the evaluation of Mr. Brennan.

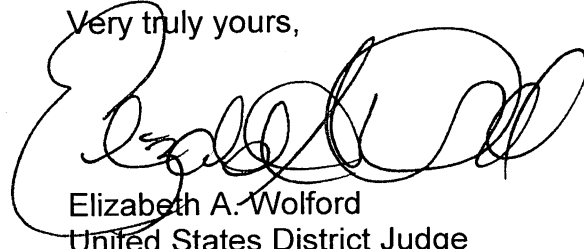
However, the Court agrees with Mr. Brennan's counsel that the request for a 30-day extension is premature, and denies it without prejudice for that reason. The Court will entertain a request for an extension made closer in time to the expiration of the 45-day initial period, which the Court calculates as September 23, 2019. Such a request should set forth in detail (1) the current status of the evaluation of Mr. Brennan, (2) the specific reasons why the evaluation could not be completed in the 45-day time period,

Complex Warden T. Scarantino  
August 29, 2019  
Page 2

and (3) the specific additional steps that need to be undertaken during the requested extension. In order to afford the Court sufficient time to consider any such request, it should be received at least seven (7) days before the expiration of the initial 45-day period (*i.e.* by September 16, 2019).

A copy of this letter will be filed in the underlying criminal action, and it will have the effect of a Court order.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Elizabeth A. Wolford', written over the typed name.

Elizabeth A. Wolford  
United States District Judge

Enclosure

cc: Paul E. Bonanno, Esq. (via CM/ECF filing)  
Frank R. Passafiume, Esq. (via CM/ECF filing)  
Martin J. Vogelbaum, Esq. (via CM/ECF filing)